

**SOUTH DAKOTA DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS**

**South Dakota State Penitentiary  
Continuous Improvement Monitoring Process Report 2005-2006**

**Team Members:** Rita Pettigrew and Barb Boltjes, Education Specialist

**Dates of On Site Visit:** October 4, 2005

**Date of Report:** November 10, 2005

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This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

<b>Promising Practice</b>	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
<b>Meets Requirements</b>	The district/agency consistently meets this requirement.
<b>Needs Improvement</b>	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
<b>Out of Compliance</b>	The district/agency consistently does not meet this requirement.
<b>Not applicable</b>	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

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<b>Principle 1 – General Supervision</b>
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

**Steering Committee Self-Assessment Summary**

Data sources used:

- Surveys-parent, teacher, administrator
- State needs assessment
- Federal guidelines for child find
- Sioux Falls School District-hiring policy
- SDSP/DOC staff training requirements policy—non public document

- Literacy Pro System
- SDSP special education program intake procedure

### **Meets requirements**

The steering committee reports the district has an effective identification process in place. All inmates under the age of 21 are screened using the Test of Adult Basic Education (T.A.B.E) regardless of what they self report. Coolidge Learning Center is not an accredited high school. It is a learning center. Students work at their skill level not according to grade levels. Progress is determined through administration of the T.A.B.E test at appropriate intervals.

In regards to suspension/expulsion, the steering committee determined if a student commits a violation at Coolidge Learning Center during class and receives time in the Special Housing Unit, a manifestation determination will be initiated.

The steering committee reported staff development is completed through South Dakota State Penitentiary and the Sioux Falls School District.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees with areas identified as meeting requirements for Principle One, General Supervision.

## **Principle 2 – Free Appropriate Public Education**

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3<sup>rd</sup> birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

## **Steering Committee Self-Assessment Summary**

Data sources used:

- Federal guidelines
- SDSP/DOC mission statement—educational policy
- SDSP/DOC grievance policy
- SDSP/DOC inmate living guide
- SDSP/DOC administrative segregation
- SDSP/DOC special management housing

### **Meets requirements**

The steering committee stated SDSP inmates receive special education services free of charge and in conformity with their IEP's at public expense via the Sioux Falls School District through June 30<sup>th</sup> of the year they turn 21. A formal system of feedback from current or exiting students has been established.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees SDSP inmates receive special education services free of charge and concluded a formal system of feedback from current or exiting students has been established. Refer to area out of compliance.

### **Out of compliance**

Through staff interviews the monitoring team determined inmates maybe eligible for transfer to Springfield State Prison, however, there is no educational program in Springfield and this transfer disrupts special education services. The system in place is not being followed by DOC administrative staff and therefore, a gap in services exists for some inmates because they leave the premises when on an IEP and there are no educational services at Springfield State Prison. Inmates are often aware they should not be transferred but are not in a position to explain. Some have been punished severely for advocating for themselves.

**ARSD 24:05:22:04.01. Services to children age three to twenty-one, inclusive.** A child's eligibility for special education or special education and related services continues from age 3 through completion of an approved public or nonpublic school secondary program or through age 21, as designated in that child's individual education program as set out in SDCL [13-37-1](#).

13-37-1. Children in need of special education or special education and related services. As used in this chapter, "children in need of special education or special education and related services" means any person under the age of twenty-one years who is a resident of the State of South Dakota and who, because of his educational needs as defined by the South Dakota Board of Education in rules promulgated pursuant to chapter 1-26 and this chapter, is not adequately provided for through the usual facilities and services of the school and requires special education.

**ARSD 24:05:13:02. Free appropriate public education (FAPE) defined.** For purposes of this article, the term, free appropriate public education, or FAPE, includes special education and related services which meet the following requirements:

- (1) Are provided at public expense, under public supervision and direction, and without charge;
- (2) Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act as in effect June 4, 1997, and 34 C.F.R. Parts 300-302, published in the Federal Register on March 12, 1999;
- (3) Include preschool, kindergarten, elementary school, and secondary school education in South Dakota; and
- (4) Are provided in conformity with an individual educational program and this article.

FAPE shall be made available to any eligible individual child with a disability who needs special education and related services even though the child is advancing from grade to grade. FAPE shall also be provided to eligible children with disabilities who have been suspended or expelled from school consistent with chapters 24:05:26 and 24:05:26.01. The determination that a child is eligible under this article must be made on an individual basis by an IEP team.

### **Principle 3 – Appropriate Evaluation**

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

#### **Steering Committee Self-Assessment Summary**

Data sources used:

- Parents rights brochure
- Sioux Falls School District IEP forms (prior notice, reevaluation plan, consent for evaluation, MDT p. 11a and 11b)

#### **Meets requirements**

The steering committee stated each student attended a reevaluation planning meeting and signed consent for evaluation form. Each student was involved and informed of the process. At this time, all students are age 18 or older, however, a process is in place for those under age 18. The Sioux Falls School District prior notice contains all required content.

The South Dakota State Penitentiary implements a 45-day IEP for each eligible student while they are being reevaluated due to an overdue evaluation upon entry to SDSP. All students are reevaluated in all areas of suspected disability.

The steering committee reported options are offered in regard to copies of IEP's due to inmates limited space for storing personal property.

#### **Validation Results**

#### **Meets requirements**

The steering committee agrees with areas identified as meeting the requirements for appropriate evaluation as concluded by the steering committee.

### **Principle 4 – Procedural Safeguards**

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult

student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- Teacher file reviews
- Surveys
- Comprehensive plan
- Parental rights document
- Consent and prior notice forms
- Needs assessment information
- Public awareness information
- Family Education Right and Privacy Act (FERPA) disclosure
- Review of access logs
- Personnel training
- Budget information

#### **Meets requirements**

The steering committee reports all students receive parental rights brochures with prior notices, meeting invitations and at IEP meetings. Consent is obtained by the SDSP special education program in a way that the students fully understand the process and options involved. The prior notice/consent contains the required content. The Sioux Falls School District's comprehensive plan includes procedures for the appointment of surrogate parents and procedures for inspection and review of all education records. Complaint procedures are in place. No due process requests have been brought forward.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting the requirements for procedural safeguards as concluded by the steering committee.

## **Principle 5 – Individualized Education Program**

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- Sioux Falls School District Special Education Handbook volume 1
- Student files reviews
- Sioux Falls School District IEP

#### **Meets requirements**

The steering committee reports the Sioux Falls School District IEP contains all required content. IEP's are reviewed annually and implemented immediately. Progress reports are given quarterly. Due to

limited space for personal items and DOC policies, students have options in regards to the handling of copies of their special education paperwork.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting the requirements for individualized education program as concluded by the steering committee.

### **Principle 6 – Least Restrictive Environment**

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- File reviews
- Sioux Falls School District IEP

#### **Promising Practice**

The steering committee reports three of the nine Value Added Instructional Strategies of Marzano have been incorporated into the SDSP special education program curriculum. There is daily collaborative planning with teachers from the literacy program, GED program, and regular curriculum. Weekly the teachers from all areas meet to join forces. Differentiate instruction is a key component to the program.

#### **Meets requirements**

The steering committee reports students are placed in the least restrictive environment with regards to DOC policies and SDSP structure.

### **Validation Results**

#### **Promising practice**

The monitoring team validated through review of records and interviews the areas identified as promising practices at SDSP.

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting the requirements for least restrictive environment.